

10/26/2006 Response to Office Action
U.S.S.N. 10/807,064

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REMARKS

The present invention relates to an improved polishing pad suitable for chemical mechanical planarization (CMP). Claims 1-25 are pending. Claims 34-51 have been withdrawn from consideration as being drawn to a non-selected invention.

The applicant gratefully acknowledges the Office Action's assertion that claims 2, 9-13 and 18-25 would be allowable if written in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 1, 3-7, and 14-17 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Xu *et al.* (U.S. Patent 6,949,020). The Office Action states that Xu *et al.* disclose a pad having polymeric material, a component and thermoplastic polymer. The Office Action further asserts that the Xu *et al.* reference describes pores, and provides a complete understanding (ref. col. 14, lines 15-42).

The applicant respectfully disagrees. The Xu *et al.* reference teaches a seamless polishing pad shaped like a belt. Xu *et al.* teach a polymeric polishing pad (156 in Figure 2C) formed on a base belt (157 in Figure 2C). Xu *et al.* further defines the base (157) as being composed of two separate layers including a cushioning layer (184 in Figure 2C) and reinforcement layer (182 in Figure 2C). The Office Action points to column 14, lines 15-42 of Xu *et al.* as providing a description of the present invention. However, this reference teaches that the polymeric material (liquid polyurethane) penetrates into the pores of the cushioning layer. This is further illustrated in Figure 2C and in column 10 lines 48-50, where the description reads "(t)he fusing occurs when a polymeric material is directly casted onto a top surface 186 of the cushioning layer 184 of the base belt 157." The top surface and the cushioning layer are both part of the base belt, not the polishing pad. Therefore, Xu *et al.* does not describe a polishing pad comprising a polymeric material having pores and a component disposed within the pores. Xu *et al.* does not disclose all of the claimed elements arranged as in the claim, and therefore cannot properly be considered anticipatory to the present invention. The applicant respectfully requests the rejections under 35 U.S.C. §102(e), for claims 1, 3-7, and 14-17, be withdrawn.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the

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Examiner, a telephone conference would expedite the prosecution of the subject application,
the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

By



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